

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**Clerk's Minutes
Before the Honorable Judith C. Herrera**

USA vs. Dana Jarvis Case No. 05-1849 JH

Date: October 26, 2006

Courtroom Clerk: Valerie Vigil Court Reporter: Paul Baca

Court in Session: 1:46 p.m. Court in Recess:

Type of Proceeding: **Hearing on: 1.) M/Interlocutory Sale [664]; 2.) M/Vacate Protective Order [537]; 3.) M/Order to Show Cause Why Prot. Order Should Not be Vacated [459]; 4.) Emer. Motion [691]**

Court's Rulings/Disposition: 1.) M/Interlocutory Sale [664]: Taken under advisement
2.) M/Vacate Protective Order [537]: Taken under advisement
3.) M/Order to Show Cause Why Prot. Order Should Not be Vacated [459]: Taken under advisement
4.) Emer. Motion [691]: under advisement; motion may be moot; counsel to notify chambers

Attorney(s) Present for Plaintiff(s):

Steve Kotz

Attorney(s) Present for Defendant(s):

Joe Romero, Jody Neal-Post, Sharon Hawk
Dennis Montoya for Jay Lambros, witness

Proceedings:

Court in Session:

1:46 p.m. Court in session. Counsel state their appearances.

1:48 p.m. Mr. Romero addresses emergency motion; issues regarding access to medical regimen have been addressed; remaining issues re: conditions of confinement, access to laptop computer.

1:55 p.m. Response by Mr. Kotz.

1:58 p.m. Mr. Romero addresses motions to vacate protective order, for interlocutory sale, and to show cause why protective order should not be vacated.

2:13 p.m. Response by Mr. Kotz.

2:32 p.m. Reply by Mr. Romero.

2:49 p.m. Testimony by Brandon Cummings. Direct exam by Mr. Romero.

2:57 p.m. Cross examination by Mr. Kotz.

3:05 p.m. Questions by the Court for Mr. Cummings.

3:07 p.m. Argument by Mr. Romero.

3:09 p.m. Response by Mr. Kotz.

3:15 p.m. Court orders Defendant to inform Court of any concrete proposal no later than November 3. If parties cannot agree, Court will rule on the motions. MOTIONS TAKEN UNDER ADVISEMENT.

3:16 p.m. Recess.